

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

2159.0620008/EKS/J-H

First named inventor: Kandasamy HARIHARAN

Application No.: See 1 in Addendum

Art Unit: To Be Assigned

Filed: June 10, 2003 (I.A. Filing Date)

Examiner: To Be Assigned

Title: Genes Overexpressed By Ovarian Cancer and Their Use In Developing Novel Therapeutics

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of See 2 in Addendum (identify type of reply):

☐ has been filed previously on 08/23/2006 GFREY1 00000148 10530951
☒ is enclosed herewith. 02 FC:1453 1500.00 OP

B. The issue fee and publication fee (if applicable) of \$ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Addendum

1. 10/530,951 (U.S. National Phase of PCT Appl. No. PCT/US03/18253)
2. Submission of Oath or Declaration and \$130.00 Surcharge for Late Filing of Declaration and Paper copy of Sequence Listing and one (1) Computer-Readable copy of the Sequence Listing.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HARIHARAN *et al.*

Application No. 10/530,951 (*U.S. National Phase of
PCT Appl. No. PCT/US03/18253*)

I.A. Filing Date: June 10, 2003

**For: Genes Overexpressed by Ovarian Cancer and
Their Use in Developing Novel Therapeutics**

Confirmation No. 3427

Art Unit: *To be assigned*

Examiner: *To be assigned*

Atty. Docket: 2159.0620008/EKS/J-H

Statement Under 37 C.F.R. 1.137(b)

Mail Stop Petitions

Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants are filing herewith a petition to revive the captioned U.S. National Stage application based on international application PCT/US03/18253, filed June 10, 2003. The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 C.F.R. § 1.137 (b) was unintentional.

The captioned application was transferred from previous counsel to current representatives on July 11, 2005. A copy of the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) ("the Notice"), mailed June 27, 2005, was not included in the file we received and we were not aware that the Notice had been mailed. On March 15, 2006, the undersigned representative contacted the PCT Help Desk at the USPTO to determine the status of the application. The undersigned was told that the application was abandoned for failing to respond to the Notice mailed June 27, 2005.

Several attempts were made to receive a copy of the Notice from Applicants and/or previous counsel. Requests for a copy of the Notice were sent or communicated verbally to

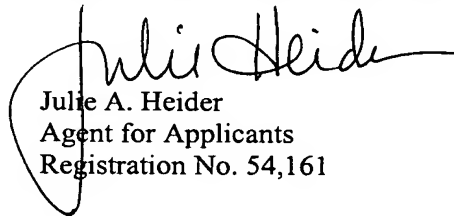
could not obtain a copy of the Notice from previous counsel. The undersigned also contacted the PCT Help Desk, and Ms. Charitta Burt, at the USPTO to request a copy of the Notice on June 27, 2006 and July 25, 2006. A written request for a copy of the Notice was sent via facsimile to Ms. Burt on July 25, 2006. The undersigned telephoned Ms. Burt again on August 2, 2006 and August 11, 2006 to request that a copy of the Notice be sent. The undersigned received a copy of the Notice on August 11, 2006 via facsimile.

The captioned application is not currently available on PAIR by Applicants' undersigned representative even though a Revocation with New Power of Attorney was filed May 26, 2006. Thus, a copy of the Notice could not be retrieved via the Image File Wrapper system.

Applicants also submit the appropriate petition fee as required in § 1.17(m) and the appropriate submissions required by the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US).

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Julie A. Heider
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Date: August 18, 2006

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